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TO RUEHC/SECSTATE WASHDC PRIORITY 0438
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RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
RUEHBUL/AMEMBASSY KABUL PRIORITY 2121
RUEHPW/AMCONSUL PESHAWAR PRIORITY 0023
RUCNCIS/CIS COLLECTIVE
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2156
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2122
RUEHGV/USMISSION GENEVA PRIORITY 0042
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UNCLAS SECTION 01 OF 02 DUSHANBE 000877

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TAGS: [PREF](#) [PREL](#) [PGOV](#) [PHUM](#) [UNHCR](#) [TI](#) [AF](#)

SUBJECT: TAJIKISTAN TO AFGHAN REFUGEES: YOU CAN STAY, JUST NOT HERE~
OR HERE

REF: DUSHANBE 860

DUSHANBE 00000877 001.2 OF 002

¶1. SUMMARY: On May 31, Tajik security officials rounded up over 150 Afghan refugees and asylum seekers in the capital of Dushanbe. Reports from those detained suggest that authorities held the refugees for most of the day without food, water or access to sanitation facilities. The authorities released the refugees only after they signed an affidavit that they would leave the capital within three days if single or ten days if a family. Refugee reports suggest that many signed these statements under duress or did not fully understand what they were signing. END SUMMARY.

¶2. In 2000, the government of Tajikistan adopted two resolutions, numbers 325 and 328, which prohibit asylum seekers and refugees from residing in urban areas (and specifically bar residence in Dushanbe and Khujand). The Office of the United Nations High Commissioner for Refugees (UNHCR) in Tajikistan has been involved in an ongoing dialogue with the government of Tajikistan on this subject, arguing that the resolutions violate Article 26 of the 1951 Convention Relating to the Status of Refugees. According to Article 26, refugees should be afforded the same residency rights as other aliens, however resolutions 325 and 328 apply only to asylum seekers and refugees. UNHCR further argues that the resolutions are not retroactive, and, as most Afghan refugees settled in Dushanbe before their adoption, not applicable in the majority of cases.

¶3. UNHCR reports that on May 31, security forces raided several markets in Dushanbe, detaining up to 180 Afghans, including those in possession of UNHCR letters and at least one minor, a 15 year-old boy. According to Indira Beganovic, a Protection Officer at UNHCR Tajikistan, it is possible that not all of those detained were refugees, though most certainly were (UNHCR used the number 150 in its Note Verbale dated June 5). According to Beganovic, UNHCR took over 50 statements from refugees, and all were concerned about the orders to move out of Dushanbe. They have jobs in Dushanbe, undergo medical treatment, their children attend local schools and they extend their documents every six months with authorities in the city. [NOTE: The short (maximum six-month) periods for which Tajik authorities issue refugee documents is another bone of contention between UNHCR and the government of Tajikistan. END NOTE.] Forced resettlement into the countryside, without access to existing family and social support networks and agencies such as UNHCR, could prove a significant hardship in some cases;

"catastrophic," according to Beganovic, in others. Refugees also worry that those who do not relocate out of Dushanbe would face deportations. So far UNHCR staff have told us they do not consider the current action a violation of the principle of non-refoulement.

¶4. ConOff discussed the situation with both Beganovic at UNHCR and Aziz Ahmad Barez, the Afghan Consul to Tajikistan, June 7. Both Beganovic and Barez stated that they had received further, unconfirmed, reports that round-ups had continued that day, one week after the original detentions. Barez said that he had heard that more Afghan traders had been detained at the Sadbarg Market (or "Afghan Market" reftel), while Beganovic said that she had received three phone calls from refugees who had been visited at their residences. According to Beganovic, not only did those detained on May 31 have to sign an affidavit swearing to leave Dushanbe, they were forced to provide their current addresses as well.

¶5. Further complicating matters is the difficulty in locating the person or persons behind the actions of May 31. Many of those detained reported overhearing that the Dushanbe city administration (the mayor's office) ordered the round-up, citing the fact that authorities used city detention facilities as evidence. If true, this would add a new wrinkle to the refugee problem in Tajikistan, as such matters are supposed to be dealt with solely by the central government. Barez and Beganovic, however, suggested that it was more likely the State Committee on National Security who organized the detentions. [NOTE: Both Barez and Beganovic urged ConOff to have the Embassy raise the issue with any contacts it had in the State Committee on National Security, as they themselves had none. END NOTE.] Beganovic said that conversations with contacts at the Ministry of Internal Affairs and Ministry of Labor suggest that neither had any prior knowledge of the detentions, and that the Ministry of Foreign Affairs, in response to a diplomatic note from UNHCR, responded that they have requested an explanation from the State Committee on National Security.

DUSHANBE 00000877 002.2 OF 002

¶6. COMMENT: The raids and detentions of May 31 paint a disturbing picture of the direction that the situation surrounding Afghan refugees in Tajikistan is heading. UNHCR's immediate concern is to stop the current campaign, the first of its kind, but the lack of a coordinated and durable solution to the refugee question in Tajikistan is alarming. Post has received other reports that the detentions, as they focused primarily on those Afghans working in the local markets, may be related to jealousies arising from the relative success of the Afghan traders (see Reftel). Regardless, the law upon which Tajik authorities based the actions of May 31 contradicts international norms. END COMMENT.
JACOBSON